

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

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MILES E. HOISINGTON, JR.,)
)
Plaintiff,)
)
v.) Case No. 2:24-cv-951
)
R.L. VALLEE, INC.,)
)
Defendant.)

ORDER OF DISMISSAL

A review of the docket in this case reveals the following:

1. On July 17, 2024, Plaintiff Miles E. Hoisington, Jr., a New York resident “on sabbatical in Vermont” representing himself, filed a Complaint in the United States District Court for the Southern District of New York (“SDNY”) against Defendant R.L. Vallee, Inc. (Doc. 1 at 3.)
2. On August 20, 2024, SDNY transferred the action to this court because venue lies here and this court is a more convenient forum. That court further noted “[w]hether Plaintiff should be permitted to proceed further without prepayment of fees is a determination to be made by the transferee court.” (Doc. 2 at 4-5.)
3. On August 28, 2024, the case was received in this court.¹
4. On September 5, 2024, the court issued an Entry Order directing Plaintiff to submit the required filing fee or a completed application to proceed *in forma pauperis* (“IFP”) no later than September 27, 2024. Plaintiff was warned that, should he “fail to comply with this Order, [his] case shall be dismissed without prejudice.” (Doc. 4 at 2.)
5. No further filings have been received as of the date of this Order.

The Federal Rules of Civil Procedure authorize dismissal of an action when “the plaintiff fails to prosecute or to comply with these rules or a court order[.]” Fed. R. Civ.

¹ This is not Mr. Hoisington’s first attempt to file a case in SDNY that was later transferred to this court. On July 9, 2024, the court issued an Entry Order in his first case explaining that he must either pay the filing fee or seek to proceed without prepaying the fee. *See Hoisington v. WCAX-TV*, No. 2:24-cv-749, slip op. (D. Vt. July 9, 2024). In that case, Mr. Hoisington claimed to be a New Hampshire resident “on sabbatical in Vermont.” *Id.* at 1.

P. 41(b). The court's mailing of the September 5 Order has not been returned as undeliverable. Because Plaintiff has neither paid the filing fee nor applied to proceed IFP, this case is DISMISSED without prejudice. The court certifies that any appeal would not be taken in good faith under 28 U.S.C. § 1915(a)(3).

SO ORDERED.

Dated at Burlington, in the District of Vermont, this 8th day of October, 2024.

A handwritten signature in black ink, appearing to read 'Christina Reiss', written over a horizontal line.

Christina Reiss, Chief Judge
United States District Court